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09/471,696	12/23/1999	THIRU SRINIVASAN	1649-USW-05	7829

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 09/471,696
Filing Date: December 23, 1999
Appellant(s): SRINIVASAN, THIRU

MAILED

JAN 7 2003

GROUP 3600

James N. Kallis
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed 11/13/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-9, 11-19 and 21-23 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

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(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

- U.S. Patent number 5,978,768 to McGovern et al.
- www.biddersedge.com, "Bidder's Edge - Your Action Guide", posted on the web 12/12/1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9, 11-19 and 21-23 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 5.

(11) *Response to Argument*

Appellant asserts examiner did not establish a prime facie case. Examiner disagrees with this assertion. In order to better clarify examiner's prime facie case examiner will restate the rejection made in the Office Action filed on 9/6/02 (paper number 5) with specific focus on the limitations of the independent claims.

Bidder's Edge teaches an auction search engine. The web site contains a database where buyers can enter product identifiers for items that they would like to purchase. The site uses these product identifiers to search various on-line auctions for matches. Bidder's edge does not teach two-way information flow. In particular, Bidder's Edge does not teach a system where the auction websites can search the database located at Bidder's Edge.

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McGovern teaches a job search system with a two-way search feature. In particular the system of McGovern has two databases, the first contains available jobs as input by the companies looking to fill vacancies. The second database contains resumes for individuals looking for jobs. The system allows for job seekers to search the database of available jobs and allows companies to search the database of resumes for potential employees.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include this two-way search feature taught by McGovern in order to allow auction sites the ability to search the database of Bidder's Edge in order to optimize the matching of buyers and sellers.

Appellant further asserts that claimed invention generally differs from any combination of Bidder's Edge and McGovern in that the seller can determine the demand for a product desired by a buyer without the seller having to directly monitoring the scan site. Examiner disagrees with this because the references, as explained above teach searching or monitoring the database of Bidder's Edge from the auction sites. As such a user would not interact with the databases of Bidder's Edge directly, rather through the auction sites.


Appellant also asserts that that the claim limitations teach away from a manual keyword search. Examiner disagrees with this because the language of the claim clearly encompasses such a search. A product identifier as claimed by the appellant is nothing more than a keyword that uniquely describes the product. Therefore the teachings of the reference where a user accesses an auction site, enters a keyword on that site, and the auction site then uses that keyword to search or monitor the database of Bidder's Edge not only suggests but clearly teaches appellant's claimed invention.

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Examiner would also like to make clear that the limitation "monitoring" is being interpreted as "checking by means of a receiver for significant content" (as stated in the office action filed on 9/6/02, paper 5 of this application). The limitation in no way indicates an automatic process and as such the limitation of automation is not read into the claims.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


James Kramer
Patent Examiner
January 6, 2003

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